

REMARKS

Claims 1, 3-22, 25-30, 32-51, and 55-60 are pending and under consideration in the above-identified application Claims 2, 23, 24, 31, and 52-54 were cancelled previously and remain cancelled.

In the Office Action of February 17, 2009, claims 1, 3-22, 25-30, 32-51, and 55-60 were rejected.

With this Amendment claims 1, 30, 32-51 and 58-60 are amended.

I. 35 U.S.C. § 101

Claim 30 and 32-51 was rejected under 35 U.S.C. § 101.

With this amendment, the Applicant has amended taking in to consideration the Examiner's suggestions. Accordingly, Applicant respectfully requests withdrawal of this rejection.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 3-15, 18-19, 22, 25-44, 47-48, 51, and 55-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121) in view of *Goldschmidt* (U.S. Patent No. 6,226,444).

Claims 16, 20, 21, 45, 49 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121) in further view of *Shah-Nazaroff et al.* (U.S. Patent No. 6,671,88).

Claims 17 and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121) in view of *Shah-*

Nazaroff et al. (U.S. Patent No. 6,671,88) in further view of *Kawara et al.* (U.S. Patent No. 6,278,836).

Applicants respectfully traverse these rejections.

In relevant part, each of the independent claims 1 and 30 now recites a signal-processing apparatus which determines whether a candidate part of a signal is a commercial message by first applying a minimum-length priority rule then applying an adjacent-candidate priority rule based on the result of the minimum-length priority rule and then applying a score priority rule based on the result of the adjacent-candidate priority rule.

Nowhere do *Nafeh*, *Shikunami* and *Goldschmidt* disclose or even fairly suggest anything pertaining to a signal-processing apparatus which determines whether a candidate part of a signal is a commercial message by first applying a minimum-length priority rule then applying an adjacent-candidate priority rule based on the result of the minimum-length priority rule and then applying a score priority rule based on the result of the adjacent-candidate priority rule. Instead, *Nafeh* discloses a neural network which analyzes an input stream by applying a plurality of weights to different aspects of the input stream, analyzes the weighted values using a Sigmoid function and determines whether the input stream is a commercial using a backpropagation algorithm in which a set of inputs are associated with a set of desired outputs. See, U.S. Pat. No. 5,343,251, Col. 6, l. 13-39. *Shikunami* discloses comparing the length of a commercial message candidate, the time of day the commercial message candidate was broadcast and the aspect ratio of the commercial message with a database of known commercial messages to determine if the commercial message candidate is a commercial message. U.S. Patent No. 6,718,121, Col. 9, l 1-54. *Goldschmidt* discloses determining whether a commercial or program is being broadcast

based on information sent from a vertical blanking analyzer, a volume analyzer, and a background analyzer which each individually analyze signals and send the results of each analysis to a data manager. See, U.S. Pat. No. U.S. Patent No. 6,226,444, Col. 6, l. 18-67.

Shah-Nazaroff and *Kawara* also fail to disclose anything pertaining to a signal-processing apparatus which determines whether a candidate part of a signal is a commercial message by first applying a minimum-length priority rule then applying an adjacent-candidate priority rule based on the result of the minimum-length priority rule and then applying a score priority rule based on the result of the adjacent-candidate priority rule. *Shah-Nazaroff* discloses using “special circuitry” which identifies a “special signal” identifying which portions of an input stream are commercial messages. See, U.S. Patent No. 6,671,88, Col. 3, l. 62 - Col. 4, l. 12. *Kawara* is directed at decoding encrypted video and audio streams to prevent copying of the video and audio streams. See, U.S. Patent No. 6,278,836, Col 10, l. 36-48.

As the Applicant’s specification discloses, by providing a signal-processing apparatus which determines whether a candidate part of a signal is a commercial message by first applying a minimum-length priority rule then applying an adjacent-candidate priority rule based on the result of the minimum-length priority rule and then applying a score priority rule based on the result of the adjacent-candidate priority rule, commercial messages are detected with greater accuracy. See, 2002/0021759, Para. [0263].

Therefore, because *Nafeh*, *Shikunami*, *Goldschmidt*, *Shah-Nazaroff*, *Kawara* or any combination of them fails to disclose or even fairly suggest all the features of claims 1 and 30, the rejection of claims 1 and 30 cannot stand. Because claims 13-22, 25-29, 32-51, and 55-60

depend, either directly or indirectly, from claims 1 and 30, they are allowable for at least the same reasons.

III. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

Dated: May 18, 2009

By: /David R. Metzger/
David R. Metzger
Registration No. 32,919
SONNENSCHNEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000